

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Amendments to the Claims

Claims 35, 56 and 57 are requested to be cancelled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, Claims 34 and 51-55 are now pending in this application.

Rejection of Claims 35, 56 and 57

Claims 35, 56 and 57 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent 6,924,312. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other because Claim 1 of the '312 patent recites a method of treating a subject with cancer comprising administering the same compound recited in the instant claims.

Although Applicants disagree with the Examiner, to expedite the prosecution, Claims 35, 56 and 57 have been canceled. Therefore, the nonstatutory obviousness-type double patenting rejection is moot.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By Xin Zhang

FOLEY & LARDNER LLP
111 Huntington Ave
Boston, Massachusetts 02199
Telephone: (617) 342-4096
Facsimile: (617) 342-4001

Xin Zhang
Patent Agent for Applicant
Registration No. 62,139